



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 5 JUNE 2013**.

The decisions will come into force and may be implemented from **MONDAY 17 JUNE 2013** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Empty Homes Cluster Programme **Key Decision: R&ED/10/13**

Summary

The Cabinet considered a Joint Report of Corporate Director, Regeneration and Economic Development and Corporate Director, Resources updating members on the progress in establishing the County Council's Empty Homes Cluster Programme to purchase private sector owned empty properties in targeted areas, and, with partner Registered Providers (RP), invest in these properties in order to bring them back into use.

In 2012 the Homes and Communities Agency (HCA) invited bids from Local Authorities for financial assistance to assist in bringing long term private sector empty properties back into use. The cluster bid process focussed on bringing empty properties back into use within areas where void levels exceeded 10% of housing stock with a minimum aim of bringing 100 properties back into use in total.

An assessment was made in April 2012 to identify all areas which fell within these criteria in the County. In total there were seven defined settlements which could then be grouped into three distinct areas. These three areas are:

- Easington Colliery
- South West Durham (includes Eldon Lane, Coundon Grange, Coundon, Dean Bank and Chilton)
- Craghead/South Moor

A total of 20 Local Authorities including Durham, were successful in their bids to the HCA against a funding pot of £60m. The national scheme aims to bring a minimum of 3,500 empty properties back into use. The successful bid submitted by Durham County Council (DCC) was awarded £2.12m, or 3.5% of the total available. This amount is to assist in bringing an estimated 120 empty properties back into use by April 2015. A condition of the bid is that the HCA funding is match funded by the local authority.

The DCC proposal will see the following estimated number of empty properties brought back into use within the 3 areas:

- Easington Colliery – 40 Units
- South West Durham – 55 Units
- Craghead/South Moor – 25 Units

The bid proposed an approach to bringing empty homes back into use that would involve partnership working with local Registered Providers (RP's) who would provide additional investment funding as well as assist with the delivery of the project.

It was also a requirement of the HCA funding that the programme included a model for re-investment in bringing additional empty homes back into use once the initial HCA funding was spent. In this way, the Government intends this first phase of investment to kick start a longer term, self-sustaining programme of bringing more empty properties back into use.

The overall objectives of the scheme are to:

- Bring long term empty properties within Durham back into use in line with the Council's Private Sector Housing Strategy.
- Deliver a high standard of property improvement and management and encourage further improvements in standards within the private rented sector.
- Increase decent and affordable rented housing for those in housing need and maximise housing choice for customers.
- Support investment within the council's renewal areas through the reduction of long-term empty homes and prevention of decline.
- Maximise use of existing housing stock.
- Invest in capital assets with a future realisable value which also generates income and meets social objectives.

An informal working group of other Councils that have received Empty Homes Cluster funding has been established by DCC. This group will share good practice which will assist in taking the scheme forward.

This proposal will see the council-owned housing stock outside of the Housing Revenue Account (HRA). This is at a time where the stock within the HRA is going through an options appraisal process. If the Council's HRA housing stock transfers to a registered provider, the ownership of these homes will not transfer. The Council would still own the homes and they will continue to be managed and maintained by the partner RPs under the long term lease agreement. At the end of the 12 year lease, if the properties have not been sold, then the Council will need to either dispose of the properties or enter into another long term lease agreement with an RP.

Decision

The Cabinet agreed to:

- Delegate approval of the purchase of empty properties through the Cluster Programme to the Corporate Director Regeneration and Economic Development and Corporate Director Resources in consultation with the portfolio holders for Housing and Resources
- Delegate the choice of Registered Provider partners to the Corporate Director Regeneration and Economic Development and Corporate Director Resources in consultation with the portfolio holders for Housing and Resources

Quarter 4 2012/13 Performance Management Report

Summary

The Cabinet considered a report of the Assistant Chief Executive presenting progress against the Council's corporate basket of performance indicators (PIs) and report other significant performance issues for 2012/13. The report is the end of year corporate performance report of 2012/13 for the council and contains information on key performance indicators, risks and Council Plan progress.

Performance has been maintained in many areas and improvements achieved in some services against a backdrop of the council achieving £93m savings to date and increased volume in some key areas. Issues linked to the economy continue to affect performance across County Durham during quarter 4 such as unemployment and low levels of housing development but the council is still improving performance in many of its key priority areas. Improvements are evident in decency levels of council housing, reduced levels of crime, anti-social behaviour and domestic abuse as well as effective care of older people.

Areas which show a mixed picture of performance relate to youth employment, some areas concerning child protection and key environmental indicators with improved recycling and composting rates collected from the kerbside but worse levels of litter and detritus. Other areas worth noting where performance has dipped relate to breastfeeding rates and lower levels of successful drug treatment and those entering alcohol treatment.

The council's corporate indicators also show mixed performance. Improvements have been seen in processing of housing and council tax benefit claims but council tax and business rates collected remain below target. Tenant arrears for East Durham Homes have also failed to meet target. Sickness absence has improved this period and work continues within each service to ensure the consistent and transparent application of the council's Absence Management Policy. Customer service indicators show improved waiting times at customer access points but telephone calls answered in one minute continue to deteriorate. Freedom of Information requests responded to in deadline also shows deteriorating performance but there has been increased volumes of requests since 2009/10 with a pre-election increase in March 2013.

Decision

The Cabinet:

- 1 Noted the performance of the council at quarter 4 and the actions to remedy under performance
- 2 Agreed all changes to the Council Plan outlined below:

Altogether Wealthier

- i. Undertake transport modelling work for the Northern and Western Relief Roads and develop a delivery and funding plan - February 2013. Revised date: May 2013
- ii. Millennium Square, Gala Theatre city centre: Implement Investment Package - June 2013. Revised date: September 2013.
- iii. Maintain the county's historic/ listed highway bridges in line with the programme for 2012/13 - Greta Bridge - Refurbishment of stone parapets - March 2013. Revised date: August 2013.
- iv. St. Johns Square, Seaham; Completion of Public Realm works - May 2013. Revised date: September 2013.
- v. Physical improvements enhancing links to Clifford Road and the Academy, Stanley - March 2013. Revised date: March 2014.
- vi. Support major retail development at Queen Street, Crook – December 2013. Revised date: October 2015.
- vii. Successful consultation and completion of the County Durham Plan - July 2014. Revised date: December 2014.

Altogether Better for Children and Young People

- viii. Review the Council's approach to fixed play provision - March 2013. Revised date: May 2013

Altogether Better Council

- ix. Effective management of the County Council's assets: Completion of Service Management Plans - April 2013. Revised date: July 2013.
- x. Review and baseline all health and safety policies and methods of delivery to evaluate against statutory compliance - March 2013. Revised date: December 2013.
- xi. Develop an internal communications strategy incorporating new intranet site and options for social media - Implement revised strategy - April 2013. Revised date: May 2013.
- xii. Develop a Social Media Strategy - Implement Strategy - April 2013. Revised date: July 2013.
- xiii. Progress review of community buildings strategy – March 2013. Revised date: July 2013.

Deleted actions

Altogether Wealthier

- i. Develop a harmonised Street Trading Policy - March 2013.

Altogether Healthier

- ii. Work with regional partners to deliver a range of health interventions aimed at promoting healthy eating and covering the key themes of diet and nutrition - March 2013.

- 3 Agree the new performance indicator basket and targets proposed for corporate reporting in 2013/14 considering the key outcomes from the OSMB workshop.

Voluntary and Community Sector Strategy

Summary

The Cabinet considered a report of the Assistant Chief Executive which sought agreement for the Voluntary and Community Sector Strategy and Action Plan.

The County Council, together with other public sector partners, has a strong and on-going commitment to supporting the voluntary and community sector (VCS). This commitment is highlighted in the Sustainable Community Strategy (SCS) for County Durham.

Following local government reorganisation partners supported the idea of developing a 'Third Sector' strategy to promote a consistent approach and support for the VCS. In parallel with this, the sector, at that time represented by the One Voice Network, also outlined their intention to establish a comprehensive Third Sector Strategy. Through discussion it was agreed that this should be a shared strategy strongly linked to the SCS.

To scope this piece of work a workshop was held with the VCS and other partners to generate ideas for a vision and what might be included as the aims and objectives of a strategy. A steering group was then established consisting of representatives from the VCS, the Council, Durham Constabulary and NHS County Durham.

Whilst the steering group has been developing new ways of working more effectively and preparing the strategy a number of key policy changes have been introduced that have had an impact on this work.

Area Action Partnerships have a key role in engaging with and working alongside the VCS. A VCS representative sits on each AAP board and many of the public representatives are involved in VCS groups within their communities.

The aims of the strategy are:

- To build confidence and resilience in individuals and communities to enable improved quality of life.

- To nurture a flourishing and growing VCS to contribute to vibrant communities.
- To maintain strong and effective partnership working in order to achieve sustainable outcomes.

The Council will continue to work with partners in the steering group to develop the Action Plan further and ensure that the most appropriate organisations have an opportunity to contribute to the identification of additional actions so that it remains flexible enough to adapt to changing political and economic circumstances. Implementation of the Action Plan will be from July 2013.

Progress and performance will be monitored quarterly by the Steering Group and reported to the VCS Working Group. The Action Plan will be reviewed annually and a report made to the County Durham Partnership.

Decision

The Cabinet agreed the VCS Strategy and Action Plan for County Durham.

2013 Refresh of the Safe Durham Partnership Plan 2011-14

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services seeking approval on the refresh of the Safe Durham Partnership (SDP) Plan 2011-14. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 require that Durham County Council, along with the other responsible authorities (Durham Constabulary, NHS Commissioning Groups, County Durham and Darlington Fire and Rescue Service and Durham Tees Valley Probation Trust), develop and implement a Partnership Plan.

The 2011-14 Plan is the Safe Durham Partnership (SDP) strategy for reducing crime and disorder and for combating substance misuse in the area. The regulations also require that at the start of each year the Safe Durham Partnership Plan shall be revised following the completion of an annual Strategic Assessment.

The final refresh of the Safe Durham Partnership Plan 2011/14 demonstrates that during 2012/13 significant progress in performance was, again, achieved. Compared with 2011/12:

- Crime fell by 14% to 23,034 incidents;
- Anti-social behaviour fell by 24% to 25,474 incidents;
- Deliberate and secondary fires fell by 43% to 1,191 incidents;
- Domestic Abuse repeat victimisation rate was 12.6%; well below the national target of 25%;
- 58% reduction in offending from prolific adult offenders; and
- 15% reduction in young people entering the youth justice system for the first time, achieving a 78% reduction since 2007/08.

The refresh of the Partnership Plan describes the way in which the SDP has made significant progress in delivering what it undertook to achieve during the life of the 2011-14 Plan.

The refresh of the Partnership Plan outlines the challenge ahead which includes the need to embed the 'Think Family' approach. Think Family is known nationally as the Troubled Families Programme and partners will work with 1,320 families over three years.

The Children and Adults Service Management Team, the Corporate Management Team and the Safe Durham Partnership Board received the first draft of the Partnership Plan refresh in March 2013 and provided feedback which was reflected in this updated version.

Decision

The Cabinet approved the refresh of the Partnership Plan and recommended its adoption by Council.

Transfer of Investing in Children to a Community Interest Company

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services advising of a delegated decision made under delegated powers to transfer Investing in Children to a Community Interest Company.

Since 1995 Investing in Children has played a key role in ensuring that children and young people have had a voice in the design, review and delivery of the services they use in County Durham. As a result, Durham County Council has enjoyed a regional, national and international reputation as an authority committed to respecting the human rights of children and young people.

In the current economic climate, the County Council has had little choice but to reduce its financial support to Investing in Children, and further reductions are planned for 2013 and 14. When the savings in the current Medium Term Financial Plan are implemented, the Council's contribution to the Investing in Children budget in the five years between 2009 and 2014 will have been reduced by 66%. As a result of a decision made by the County Council in 2004, to establish the Investing in Children Development Agency, the Project has established a portfolio of external work. In financial year ending 12/13, 46% of the budget came from sources other than the County Council.

An opportunity was identified to secure the future of Investing in Children, and the key contribution it makes to the planning and delivery of services to children and young people in Durham, whilst reducing its financial dependence upon the County Council. The Business Plan attached at appendix 2 to the report includes an outline of how this might be achieved. The Plan makes the case for converting Investing in Children from County Council control and converting it to a Cooperative Community

Interest Company (liC) in order to reduce the risk to the Council and secure Investing in Children's future.

The Business Plan also considered the financial risks to the County Council. The reductions in funding which have already been implemented and the further reductions contained in the Medium Term Financial Plan effectively create a doubt about the long term sustainability of Investing in Children.

If no action had been taken, the current Investing in Children Team would have been at risk of redeployment or redundancy, with the consequent costs to the Authority of redundancy of ten staff. The current estimated cost to the Authority of early retirement and redundancy of the current team is £140,000.

The proposals put forward in the Plan created an alternative course of action which, without exposing the County Council to any additional risk, created the realistic possibility of the Authority retaining the services of Investing in Children whilst reducing its employer's liability for the staff involved over a 2 year period.

Specific advice was given by relevant corporate experts in relation to Pensions, Employment Liability and TUPE transfer.

Like any new business, Investing in Children will face a challenging period. Over the next two years, the organisation needs to not only consolidate existing business but also develop significant new business to cover its running costs, and create a reserve, to cover the employer's liabilities it will inherit from the County Council in 2015.

There are a number of opportunities to maximise income to the new Community Interest Company, including through the securing of income from funders geared specifically to social enterprise and mutual providers. Of particular note is the potential to develop work in Europe, where there are signs of a market and resources in this area of work. The EEC Europe for Citizens' Programme has announced a new grants round. Grants of between 100,000 euros and 250,000 euros are available.

As the proposals concern the Investing in Children Membership Scheme, the most persuasive application would come from liC itself, rather than one of the partners. However a successful application required clarity about liC's status, and in this case, time is critical. The closing date for applications was June 1st, and there is unlikely to be a further grants round until 2014.

Although income from this fund is not assumed in the liC business plan, a successful bid would significantly improve the new company's prospects.

Had a delegated decision not been taken, it would not have been possible to make this bid in time. In addition, other work to secure funding would have been put on hold. A delegated decision to transfer Investing in Children to a Community Interest Company was made by the Cabinet Portfolio Holder, in consultation with the Corporate Director of Children and Adult Services on May 1st, 2013.

Decision

The Cabinet endorsed the decision to transfer Investing in Children to a Community Interest Company under delegated powers, on the basis that:

- risk to the Council is reduced to the Council post transfer
- the transfer provides the best opportunity for service continuity, which is to the Council's advantage
- the Council's support for the new mutual is best served by facilitating their access to additional funding streams without delay.

Interim Policy / Procedure for the Adoption of Public Open Space Associated with New Housing Developments

Summary

The Cabinet considered a joint report of the Corporate Director, Neighbourhood Services and Corporate Director Regeneration and Economic Development requesting that Cabinet consider an introduction of an interim countywide adoption policy for maintenance of public open space linked to new housing developments.

Since Local Government Reorganisation (LGR) in April 2009 there has been no countywide open space adoption policy. Prior to LGR the seven former district councils who undertook the majority of grounds maintenance work on open spaces, had varying approaches to adoption. Once such land was deemed to be of an adoptable standard some former districts assumed responsibility for its maintenance at no cost to the housing developer, other former districts levied a charge. There are also examples of open space maintenance being carried out by former districts at no charge yet the land remaining in private ownership.

Discussions between officers in Neighbourhood Services and Regeneration and Economic Development have identified the need to view open space adoption along with the other adoption processes associated with new housing developments to ensure a full and proper co-ordination with regeneration strategy, planning and assets issues. This is a significant piece of work and will result in a new cross-cutting policy / procedure for the adoption of new housing developments in due course.

Furthermore, under the terms of the Flood and Water Management Act 2011 it is expected that the adoption of Sustainable Urban Drainage Schemes (SUDS) on housing developments will be obligatory from 2014 provided that they have been constructed to specifications / plans agreed with Durham County Council Drainage Section. The earliest this will be from is 1 April 2014. Final guidance on this has yet to be announced by the Department for Environment Food and Rural Affairs (DEFRA).

Until the new cross-cutting policy is developed, and to deal with the legacy issues inherited at and since LGR, a sustainable and cost effective countywide approach to the adoption of open spaces is required in the interim period, the necessity for which

is amplified by the number of developers now seeking adoption procedure clarification as their developments are completed / near completion.

The report outlined the options available to Durham County Council in respect of open space adoptions.

The options may not be mutually exclusive, for example there may be an element of choice by developers to either maintain an open space themselves, or transfer to the Durham County Council (under conditions if they apply).

The adoption of this interim policy will allow progression to formal adoption of the schemes identified in the report. Informally, many of the developers involved are expecting a commuted sum formula to be applied.

This interim policy, would also form part of the supplementary planning document, alongside other adoption issues, to act as guidance/requirements for developers linked to the Local Plan Framework.

Decision

The Cabinet:

- Agreed the interim open space adoption policy incorporating a commuted sum equivalent to 15 years maintenance costs ring fenced for this purpose.
- Noted that the new interim countywide policy be applied to all future requests for adoption. In instances where a developer had previously agreed to formal terms of adoption (for example with a former district), then these terms will still apply.
- Agreed to consider if a policy/procedure is required for housing developers ceasing trading prior to completion, where no funds for maintenance would be forthcoming, either on a case by case basis, or by way of an early policy decision to accept (or reject) maintenance made.

Decisions made in Part B of the meeting – reports containing exempt or confidential information

Disposal of Land at Heighington Lane, Aycliffe

Summary

The Cabinet considered a joint report of Corporate Director, Regeneration and Economic Development and Corporate Director, Resources relating to the disposal of land at Heighington Lane, Aycliffe.

Decision

The Cabinet agreed the recommendations contained in the report.

Colette Longbottom
Head of Legal and Democratic Services
7 June 2013